

Washington Law Review

Volume 27 | Number 2

5-1-1952

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Recommended Citation

William G. Long, *Headaches of a Judge—A Challenge to the Bar*, 27 Wash. L. Rev. & St. B.J. 128 (1952).
Available at: <https://digitalcommons.law.uw.edu/wlr/vol27/iss2/3>

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HEADACHES OF A JUDGE—A CHALLENGE TO THE BAR

WILLIAM G. LONG*

ON NOVEMBER 28, 1933, the Governor of the State of Washington "laid an egg"—he appointed me to the Superior Court of King County.

My brother judges compounded the Governor's felony by selecting me to preside over the juvenile department.

Then followed a dizzy period of suspense of several months because I had to run for the position at the next general election. The emotional disturbance of such a judicial neophyte is aptly expressed by the learned Peter F. Hagan, Judge of the Court of Common Pleas, Philadelphia, writing in the Pennsylvania Bar Association Quarterly for October, 1951, as follows:

I have recently completed that dizzy cycle or period which I call "judicial gestation." It marks that interval of time which elapses between the signing of a judge's commission by the Governor and the primary or general election, when *vox populi* accepts or rejects the Governor's choice.

In the course of this long and difficult gestative period, during which the jittery appointee is constantly speculating upon the probabilities of flowering or aborting, he can make no definite plans or engagements, by reason of the uncertainty of his tenure. Thus, immediately following my appointment, I had to make the difficult decision of whether I should rent or purchase a judicial robe. After considering all angles, I played it safe by securing my gown on a conditional sales agreement, with the right of stoppage in transitu, and with special clause, drawn by a good lawyer, giving me the option of returning the article in good order and condition, reasonable wear and tear and damage by voting machines excepted.

During the latter part of the period under discussion, my anxiety was somewhat alleviated by the endorsement of my candidacy by both the Republican and Democratic parties. I was endorsed under the Sitting Judge Principle that judges are nonpartisan and should, therefore, be continued in office. Judges, of course, are usually nonpartisan, particularly on the eve of election. With respect to the major political parties, most jurists standing for election usually adopt the philosophy of Tim Dolan, who was on his deathbed and waiting for the parish priest to arrive and administer the last rites of the Church. When the good Father arrived, Tim admitted that his life had been far from exemplary, but he was assured that salvation was still possible if he would firmly renounce the devil and all his works and pomps. Upon hearing this, Tim shook his head and replied, "Father, in the shape I'm in, I can't afford to make enemies of anybody."

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The deepest pangs of anguish experienced by a jurist during his embryonic period occur between the time he files his nominating petitions and primary election day. During this critical period, the judge's antenna is so delicately adjusted that it brings in the slightest and most unfounded rumors bearing on his candidacy. Usually, one group of friends warns him that he will be opposed by this lawyer and that lawyer, while another batch of well-wishers assures him that he will be unopposed, because of the fact that he is a good fellow, well liked and without a single enemy on the political horizon. If the said judge is not totally naive, he receives these latter assurances *cum grano salis*; because, however limited his political experience may have been, he takes judicial notice of the fact that, with the kind of friends you usually pick up in politics, you really don't need any enemies.

The lawyers were kind to me, however. No one filed in opposition, I have been re-elected four times since, and now am eligible to retire.

When my brother judges so graciously (?) assigned the juvenile department to me, I was first inclined to feel complimented. But later on I became aware of the high mortality rate in that department. When I took over, three judges had preceded me on the juvenile assignment in a period of only twenty-five years—and they were all dead!

Now, after eighteen years of continuous tenure and having wrestled with some 45,000 Juvenile Court cases, plus about 25,000 divorce fights thrown in for good measure, my original feeling as to the complimentary motives of my brother judges has been supplanted somewhat by a wholesome respect for their sound instinct for self-survival.

Yes, there really have been a *few* headaches in this job.

In the hope that other judges may be spared some of the frustrations and disappointments that have come to me, I now challenge you lawyers to *alert* yourselves to matters related to Juvenile Court administration, *rise* to the heights of your potential leadership, and then *dedicate* yourselves to lifting the level of rehabilitative treatment of the unfortunate kids of Washington. There is *plenty* to be done!

WHY THE LAWYERS?

I call upon the Bar simply because I believe from my own experience that you are in a better position and are more inclined to actually *do* something about these things than probably any other segment of community life.

I have confidence in the lawyers because they have proven by their *action* that they can and will assume responsibility in this field. Here

are a few examples:

The first Juvenile Court code ever enacted in the United States was initiated and accomplished by the Bar of Cook County, Illinois, in 1899.

The Youth Authority Act of California, recognized generally as one of the greatest advances in the child treatment field, was the result of a move initiated and accomplished to large extent by the American Bar.

The Bar of Minnesota is responsible for enacting the modernized Youth Authority Act for that state.

There are other examples that we could cite where lawyers have taken positions of leadership in this field.

Locally, the lawyers have helped me in hundreds of cases, rendering outstanding service as officers of the court.

In the long fight to obtain a reorganization of the King County Juvenile Court and the reconstruction of all physical facilities now realized in our new Youth Service Center costing a million and a half dollars, lawyers have been in the forefront at all times.

Through five bitter battles in the legislature to take the state treatment program out of politics and to establish a separate division of "Children and Youth," lawyers have led the fight from the very start to the successful conclusion at the last session when there was enacted the "Youth Protection Act."

Two lawyers were responsible for the enactment of our new Family Court of Conciliation law, generally recognized as one of the best in the nation.

By your record, you lawyers have proved that you not only have a social conscience, but also that you have the power and will to *do* something about these social problems. You permeate every community of the state and occupy positions of high respect and confidence in the economic, religious, social, educational and political fields.

I challenge you to use your power on behalf of the kids of Washington!

WHAT CAN YOU DO?

Neither time nor space permits full coverage of all the matters that I believe merit your attention, so I shall suggest just a few things for your earnest consideration.

Lack of Public Understanding

It is my studied opinion that the one greatest impediment to a

sound, humane and sensible child treatment program is simply lack of public understanding.

If the people really understood the philosophy and scope of the Juvenile Court code; if they had some definite idea as to the number of children needing treatment and care; and even *some* idea of the magnitude and complexity of the problems involved; if they really were aware of the manner in which unfortunate children are being *man-handled* in this state right now, they would rise up and demand that Superior Court Judges, Boards of County Commissioners, State Departments of government and legislators inaugurate and maintain sound, sensible and humane programs for child-rehabilitation.

The daily task of lawyers is to educate judges who know no law and juries who know nothing about the facts. This training particularly fits them to help educate an uninformed public concerning matters involved in the treatment of children. But before you can inform someone else, you really need to know a little about the subject matter yourself.

Here are a few things that I believe it is appropriate to consider:

Philosophy of Juvenile Court Administration

The heart, soul and basic philosophy of the Juvenile Court code is contained in Section 13.04.140, Revised Code of Washington, reading in part as follows:

... This title shall be liberally construed to the end that its purpose may be carried out, to wit: That the care, custody and discipline of a dependent or delinquent child shall approximate as nearly as may be that which should be given by its parents. In all cases where it can be properly done, the dependent or delinquent child shall be placed in an approved family and may become a member of the family, by adoption or otherwise.

In other words, the role of the judge is that of a substituted parent.

A corollary to the foregoing is contained in RCW 13.04.090, reading in part as follows: "An order of court adjudging a child dependent or delinquent under the provisions of this title shall in no case be deemed a conviction of crime."

These two statutes fix the pattern and philosophy around which and upon which every detail of court action, probation, detention and treatment must be based.

Under the law, the punitive concept is *out*. The therapeutic concept of treatment *must* govern. Children coming under this act *must* be

dealt with as persons of immature judgment requiring love, parental care, guidance and discipline rather than the sterner treatment meted out to adults who transgress the rules of law.

When this basic philosophy is fully understood by the public and the Bar, we shall have taken a long step forward in setting up qualifications of judges, standards of personnel, detention practices, and treatment programs.

Scope of Juvenile Court Administration

Most people think that the Juvenile Court handles only "bad" boys and "bad" girls. This is one of the most insidious fallacies I have ever had to meet.

Bear in mind that the law covers "dependent" as well as "delinquent" children under the age of eighteen years. And approximately one-half the load of our court involves children who are guilty of *nothing* except not having proper care.

Generally-defined, delinquent kids are those who have violated some law. Dependents are those who have had something adverse happen to *them*.

Under our law,¹ there are twenty categories of "dependency" and only one category of "delinquency."

The wisdom of the legislature in enacting the Juvenile Court code in 1913 when it placed "dependency" with "delinquency" under court jurisdiction is well borne out by actual experience.

The dividing line between dependency and delinquency is so hazy as to baffle delineation. For example, a boy who steals a car is clearly a delinquent. But when it appears that this little "twerp" has parents who don't know enough to raise dogs, let alone children, and who have permitted him to run the streets and prowl the alleys without guidance or supervision, he truly is a "dependent" who has graduated by natural processes into a technical "delinquent." In my opinion, a dependent child, improperly handled, is almost sure to become a delinquent later on.

One of the major "headaches" that I have suffered all these years is that a nonunderstanding public is eternally harping on the subject of "delinquency," while almost completely overlooking the fact that the delinquents are being spawned in the area of dependency.

If the Bar of this state can help lift the level of public understanding

¹ RCW 13.04.010.

on this subject of scope of Juvenile Court administration, then I believe we have taken another step forward in improving the services to be performed by the court.

Details of Juvenile Court Administration

Under the law, there are three major divisions of juvenile court operation, *viz.*, (1) diagnosis; (2) temporary detention (when necessary); (3) disposition.

(1) Diagnosis:

When a case is referred to the court, the first thing to determine is "what happened?" The next obvious question is "*why* did it happen?" The next little detail is "what shall be done about it?" (In practical operation it might be more appropriate to ask "what in H— *can* be done about it?")

In cases of delinquency, the first question is usually the easiest to answer. Most kids, when confronted by the police, not only confess to the matter at issue, but will voluntarily involve themselves and others in offenses the officers had not even heard of. They may start out with a lie, but, not having the mature experience of us adults, they can't stick with the lie very long, and so they usually "shoot the works," and "sing."

It is at the "singing" point that our real job commences—"why did this happen?" The child himself usually does not know. His parents appear to be "shocked." Certainly the judge is at his wits' end. Here we call upon the probation officer and others to dig into the details, checking the school records, family conditions, previous conduct record, physical, mental and emotional factors.

When this diagnostic process has been completed, the matter is then presented for disposition. But what kind of an intelligent disposition can be made by the judge unless that diagnosis is sound?

I remember well a certain case where a boy was a holy terror at school, an outlaw in the community, and a tribulation to his parents. The probation officer had no answer as to "why." The family physician and the school physician did not have the answer. Psychologists and psychiatrists had no answer. The only disposition seemed to be "State Training School."

But the mother, guided only by mother's instinct, said, "Judge, I *still* think something is wrong that the doctors have not detected." Following her "hunch," I sent the child to the Orthopedic Hospital for further study. Here is their report:

The x-rays show the epiphyses of the vertebrae just developing and some fragmentation of the epiphyses in the region of the anterior portion of the bodies of the vertebrae, this being especially marked in the lower dorsal region.

This boy presents a rather typical picture of an epiphysitis from a clinical standpoint, also from an x-ray standpoint. This condition usually develops at this age, around the adolescent period or just past this period.

For treatment, I should suggest that he be placed in the hospital, on a Whitman frame, for a period of several weeks and during that time should be given Vitamin A, and thyroid, with some calcium through a high calcium diet, or calcium given, such as Calcium Gluconate.

I believe this boy should make good progress with treatment of this sort. If he does not seem to be developing properly, I would consider some other glandular therapy in the nature of pituitary G, later. He should have follow-up treatment of a Cunningham brace and exercises.

Instead of sending that child to the training school, I sent him to Seattle Orthopedic Hospital. His condition was corrected. He went back to the public schools.

Would it not have been an unspeakable tragedy had I committed him to the training school without an accurate diagnosis?

Of course, this is a dramatic and an unusual case. But the point I am making is this: Any judge who attempts to make disposition of a child without the best diagnosis available is flying blind—and the flight may end in a crash landing for some unfortunate kid—not the judge.

Once I heard one of our Washington judges (not from King County) in convention say: "I don't need these experts. Give me five minutes with a child, and I can determine what should be done."

After eighteen years on this job, I can only say that he is either an outstanding and unusual person or he is willing to take indescribable hazards with other persons' lives. I can't do it!

On this matter of diagnosis, it is my hope that the Bar dedicate themselves to helping to create for *all* kids of Washington some diagnostic facilities available for *every* judge in the state to which he can turn.

(2) Detention:

The biggest headache I have ever had arose from the detention of a child in the county jail who was murdered by his associates in 1945. I did not commit him to the jail. He was picked up by the police and placed there. The sheriff did not want him there, but there was no other place to house him. It was just "one of those things."

The state law² specifically provides:

. . . Counties containing more than fifty thousand inhabitants shall, and counties containing a lesser number of inhabitants may, provide and maintain at public expense, a detention room or house of detention, separated or removed from any jail, or police station, to be in charge of a matron, or other person of good character, wherein all children within the provisions of this title shall, when necessary, be sheltered. . . . The construction, acquisition and maintenance of juvenile detention facilities for dependent, wayward, and delinquent children, separate and apart from the detention facilities for adults, is declared to be a mandatory function of the several counties of the state.

I challenge you lawyers to check into the detention situation of the several counties. Is that law *really* being complied with?

On the subject of detention, I compare detention facilities to emergency wards of orthopedic hospitals. Not *every* sick child requires immediate hospitalization. Not *every* dependent or delinquent child requires immediate detention.

But there *are* cases where a child referred to the court for dependency or delinquency *should* be detained and cared for pending diagnosis and disposition.

Detention facilities must *not* be considered as substitute jails or institutions for long-time care. They are merely *temporary* facilities for housing youngsters pending diagnosis and disposition for treatment.

But our detention quarters are being utilized in many instances as veritable "dumping grounds" by various agencies, and we are required to hold children unconscionable periods of time simply because there are no other places to put them. Ironically, this happens more often to "dependents" than to "delinquents."

How is this situation in *your* county?

(3) Disposition:

Here is another headache. When the facts of diagnosis have been assembled and an appropriate plan has been formulated, the case is ready for court disposition. The court may feel that the proposed plan has reasonably good prospects of success, but he is stymied by the blunt reality that there are no available facilities for implementing the plan of treatment.

Here is a typical situation: The law³ says, ". . . In all cases where it can be properly done, the dependent or delinquent child shall be

² RCW 13.16.010, 13.16.030.

³ RCW 13.04.140.

placed in an approved family. . . .”

But what can the court do if there just *is* no such family available?

The child is not vicious or dangerous—he merely needs some close enlightened and humane supervision for a time. But there is no home, no parental school, no forest or farm camp available. Yet some disposition *must* be made.

So the upshot is in many cases that the court against his own judgment and conscience is compelled to commit the child to the State Training School—a place in which everyone agrees he should not be.

Is not this subject of sufficient public importance to challenge the intervention of the Bar?

Lack of Trained Personnel

If your child had a raging fever, would you take him to a blacksmith—even though the specialist in shoeing horses was a very kindly man?

One of the greatest impediments to sound Juvenile Court administration is lack of well trained probation officer personnel.

The probation officer has the primary responsibility of assembling the facts of diagnosis, formulating the proposed plan of treatment, and in many cases following through with child and family as a supervising consultant and friend.

In my opinion, any judge who asserts that he can do all these things by himself is either “some man” or a judicial charlatan. I personally would not even *attempt* to handle such a job alone.

In most cases these children and/or their families are indeed sick, either physically, mentally or emotionally. And, personally, I want no blacksmiths in my probation department manhandling those children.

But it is extremely difficult to obtain qualified personnel. We call upon the university graduate schools of social work to furnish our recruits. But these schools do not seem to give sufficient specialized training to fit their graduates for our specialized work. In most instances we virtually have to retrain them (and untrain them to some extent) before they are competent to act as officers of the court at all.

As an example of how social work training alone, not geared in with basic legal training, does not adequately prepare an officer for our specialized work, is the following:

A petition had been filed by the police department seeking to deprive a mother of her child. The petition alleged facts amply sufficient to

terminate all parental rights. The written reports of police and sheriff officers, plus the probation officer's report as to what a number of neighbors had reported, if supported by testimony, completely supported the petition. But the mother denied the whole works.

The case was presented by a newly employed officer. No witnesses were present. I asked the officer, "Where are the witnesses?" She naively replied, "We have all the statements of the police and sheriff in writing, and I did not think you would need the witnesses because the *mother has no attorney.*"

Of course, the case was continued for further proceedings, and the new officer got her first lesson in the constitutional and legal rights of human beings. She should have gotten it in graduate school.

We have had some good results in taking selected graduate students, giving them internship experience and field training under our own supervision, and then employing them later on. But I do not believe that this practice is wholly sufficient.

It seems to me that the University of Washington, for example, might profitably work out a closer liaison between the Law School, Medical School (with its divisions of clinical psychology and psychiatry) and the Graduate School of Social Work.

Presumably, the Law School is producing good lawyers; the Medical School, good doctors; and the Graduate School, good social workers. But a good probation officer must be something of all three.

Perhaps this closer liaison might be beneficial in another way. I have sensed a certain amount of conflict between lawyers and social workers. Lawyers call the social workers "fuzzy-minded do-gooders." Social workers call us lawyers and judges "legalistic." To some extent both are justified in such interchange of anathemas.

But in actual experience I have given some of these so-called "fuzzy-minded do-gooders" some fundamental training in basic principles of constitutional law concerning the rights of people, the simple salutary rules of evidence, and the objective judicial attitude of mind; and I have seen them round out into effective workers of whom anyone could well be proud.

Likewise, I have seen lawyers come to Juvenile Court bristling with thoughts of habeas corpus and indignation over what they thought was a legal infringement of their client's rights by some "do-gooder." Then, after a half-hour conference with the probation officer, come out in full accord with the proposed plan, in full "rapport" and "interpreting" the

situation to their clients with all the finesse of a professionally trained social worker.

In my opinion there is no basic conflict between the two professions. Both are constantly dealing with identical social problems. Both must operate under identical principles of law. And if the social workers had a little more legal training and the lawyers had a little more social science, the apparent conflict would largely disappear.

Perhaps the Bar can point the way to such a desired end. And perhaps we judges would get better probation officers (and, maybe, better judges later on).

Not only is it difficult to obtain qualified personnel because of their inadequate training, but every judge is handicapped by insufficient funds to pay a qualified officer. How can you expect a person of ability to devote five years or so in college, spend a year or so in field training, dedicating himself to the rehabilitation of your children and then work for less than a ditch digger in Seattle?

That is exactly what we are expecting them to do.

Here again, if the people of this state could but only understand how important it is to have an adequate number of properly trained probation officers, they would rise up and make such demands that no judge or board of county commissioners could withstand.

I challenge the Bar of this state to make it your business that every dependent or delinquent child in this state be dealt with by competent probation officers—and not by blacksmiths.

Department of Social Security Nullifies Court Decrees

Have you lawyers been laboring under the old-fashioned notion that court decrees can only be nullified by a higher court? Well, I have news for you, chums.

The Washington State Department of Social Security not only *can* nullify court decrees, but *does* so!

Some two years ago there was a little boy in my court who had no parents or relatives to take care of him. Clearly he was a "dependent" child under the law. By court decree I declared him to be dependent and committed him into the care of the County Welfare Department.

The child was also below par mentally, could not attend the regular public schools and so was eligible for placement at a State Custodial School. But there was no available space for him. In order to get him on the waiting list, I also entered an order committing him to a

custodial school.

Now obviously the child would have to be cared for by someone somewhere while awaiting admission to the custodial school. We could not turn him out on the street. So we committed him to the temporary care of the Welfare Department.

Was that court decree honored? Here is what happened: Notwithstanding a valid decree declaring the child dependent, the Director of the Department of Social Security refused to permit the Welfare Department to obey that decree; they dumped the child in our detention home, and there he remained for a period of *over one year!*

I asked two outstanding law firms for an opinion as to whether we could mandamus the director to respect the decree. They regretfully advised that under present law we were helpless.

Here is another example of how the director nullifies court decrees by arbitrary will: RCW 13.04.100 says that "... the court may, at any time, make an order committing the child . . . to some reputable citizen of good moral character. . . ."

Following the law, I find what I believe is a proper home for a child and enter an order placing him there. But the court has no money to pay for his care. The county has no such funds because all the funds in the state for such purposes have been given to the Department of Social Security. The person selected by the court is willing to give personal care to the child but cannot afford to pay all the expenses involved. So the decree cannot be carried out unless the Welfare Department provides some funds.

But if the Welfare Department for *any* reason does not approve the court's choice of such a citizen, they just arbitrarily refuse to contribute the funds necessary for the child's care—thus nullifying the court's decree.

This not only *can* happen—it *does* happen. We judges are in many instances absolutely at the mercy of the Department of Social Security.

Don't tell me that a court decree can be nullified only by a higher court.

Are not the lawyers of this state interested in such goings on?

Incidentally, with reference to the Department of Social Security, it might be appropriate to consider that, under the law, that department virtually has the power of crippling, if not destroying, every private agency having for its purposes the care and placement of children. All such agencies must be certified upon the basis of standards fixed by the

department. No such agency can even start operation without obtaining that certification.

Furthermore, by the power to grant or to withhold financial aid, the department has a tremendous stranglehold on all such agencies.

Recently, the department has set up its own adoption service, thus going into competition, in a sense, with private agencies already in the field. It is now in some cases asking us judges to grant to the department "permanent custody" of children who have no suitable parents. The law gives it the power to accept such permanent custody and so provides the machinery whereby the state, and indirectly the U.S. Children's Bureau, might, if it chose to do so, virtually take over the dependent child business of the state.

As a matter of public policy, I am refusing to grant the department permanent custody unless it is definitely established that no private agency can handle the case.

I wish to make it clear that at this time I am not charging that the Department of Social Security has actually used its terrific power to destroy or block the private child agency or to monopolize the field of child care. But I warn you that the power to do so is in its hands.

I hope you lawyers will keep your eyes on this situation.

The U. S. Children's Bureau Takes a Hand

I may be "seeing burglars under the bed," but I don't think so. Contacts that I have had with that bureau give me some worry as to its intentions concerning the socialization, if not the sovietization, of the children of the United States.

I have read the writings of some of the outstanding representatives of the Children's Bureau. There is a steady undercurrent of belittlement and opposition to courts handling dependent or delinquent children at all. To them, this is a "social problem"—not a "legalistic" matter.

During several sessions of our own state legislature when we have been battling for youth protection legislation, I have many times seen brass hats from the Bureau hovering around on the edges, never quite coming out into the open—but definitely *there*.

Very seldom will they come out in the open and declare themselves. But on one occasion I goaded one of them into such a fit of anger that she "spilt" a few beans. We were at the time advocating the creation of a separate division of children and youth. She said, "Judge Long, do

you not believe that *all* services to children should be placed under one agency, the Department of Social Security?" I responded, "Lady, not until we are ready to sovietize the kids of Washington."

Thereupon, she blurted, "Well, we of the Bureau are opposed to your bill, and may the best man win!" The heck of it is she *did* win—then. The bill was defeated.

If their activity and power were limited to merely sticking their noses into our private business, I would not be much concerned about it. But what worries me is that by means of federal "matching money," upon which our Department of Social Security is so abjectly dependent, there may be the danger that some fine morning we will wake up and find ourselves slaves of a federal bureau, hog-tied by chains of gold (or fiat money).

I hope that I *am* just "seeing burglars under the bed." But I would be just a little more comfortable if the Bar of this state did a little checking for themselves and keep their eyes open for future developments.

And in the meantime I believe that we judges and lawyers had better see to it that we maintain such high standards of rehabilitative treatment of our children that we furnish no ammunition for those forces who I am positive are willing to take over.

Division of Children and Youth

After five rugged battles in the legislature, we now have set up a separate administrative division in the State Department of Public Institutions for handling the delinquent, blind, deaf, and mentally handicapped children.

This "Youth Protection Act" is a tremendous step forward in developing a sound and sensible rehabilitative program for our unfortunate children. Already, under the leadership of Van R. Hinkle, as supervisor (incidentally a lawyer), we see great improvement and great hopes for future accomplishment.

Under this law there are possibilities now for setting up forest and farm camps, diagnostic facilities and several other types of humane and sensible programs removed from the melee of partisan politics.

But I warn you of dangers ahead. I am positive that there are certain brass hats in the U.S. Children's Bureau who would like to see this program fail; and there are certain elements within the state that would shed no tears over such event.

The one best way to stymie its progress, if not actually kill the new program, is to starve it by withholding adequate appropriations. And here there is *real* danger.

Our state financial position is precarious. Competitive pressures for allocation of available funds are terrific. Bedeviled legislators are compelled by circumstances to cut appropriations somewhere.

Now it seems just plain horse sense that unless those legislators are fully informed as to the great need for this rehabilitative program and its irreducible minimum of requirements; unless they are made to understand that the leadership and rank and file of the citizens of this state really want this program to succeed, the chances are that when it comes to dividing up the money "the wheel that squeaks the loudest will get the grease."

I challenge you lawyers to do a little "squeaking" for the kids of Washington. They really cannot do it for themselves.

Lack of Foster Homes

The law, our judgment and our conscience tell us that a child who has no suitable home should be placed in a foster home.

But here, again, a decree of the court is absolutely futile unless there is such home available. Every judge in the state is stymied by the blunt fact that there are just not enough such homes to go around. Our detention home is crowded to capacity with children awaiting foster homes. Every private agency has more demands than it can fill. Even that great Department of Social Security is bogged down in this area.

If we were raising children as we raise poultry, I suppose the logical way to meet this situation would be to grant a large appropriation to the Department of Social Security, build gigantic brooder houses and really raise children by the ton. But the Good Book tells us that man does not live by bread alone. Neither do children live by bread and milk and vegetables alone. They have hearts and souls, and they also need love and the type of care that can only come from the hearthside of a family home.

In my opinion, no real united practical campaign has ever been launched to meet this need. I challenge you lawyers to concern yourselves in this field of opportunity.

How About the Churches?

I now tread upon ticklish ground. But, ticklish or not, my official

responsibility to children compels me to state blunt truth.

When children are in dire need, one would naturally think that those groups dedicated to the salvation of men's souls would be the first upon whom we might call for help. But in this we have had great disappointment.

Catholics, Jews, Lutherans, Mormons and Seventh Day Adventists do a fairly good job in taking care of their own. But even in those churches which have really attempted to develop programs of child care and rehabilitation they are often handicapped by lack of that fullest degree of support that the need demands.

The Protestant child, except as above mentioned, however, is really out of luck insofar as any organized resources of help are concerned. Until very recently I have known of no other organizations in the Protestant group to which we might turn.

The notable exception is the newly formed "Friends of Youth, Inc." sponsored by a number of Protestant churches in Seattle. They are to be highly commended for this pioneer effort, and it is my hope that their example will stimulate others to do likewise.

Here is another challenge.

Divorces and Family Court

If it is true that the cornerstone of democracy is the American home, then something disturbing seems to be happening to democracy in the state of Washington. In King County alone homes are disintegrating at the rate of almost 5,000 per year.

In the Juvenile Court about half our load comes from homes broken by death, separation or divorce. Here we clear up the wreckage of many a divorce case in which children have been tossed out into adverse conditions by a court who had no practical means of checking into those conditions at all.

Most cases go by default, and the main question considered is the offensive conduct of the defaulting spouse.

In divorce cases involving children, should not the court be provided with some means of protecting the welfare of those children with staff assistance comparable with services provided by the Juvenile Court? Under present laws, the court is virtually helpless.

The new Family Court of Conciliation law is a great step forward in helping people adjust their differences before they start slugging it out in court. But it is having tough sledding in convincing the judges

and the Bar of its efficacy.

I am fully aware that there prevails in some quarters some honest doubts and even cynicism concerning what this Family Court can do. Personally, I am a realist and quite conservative on the subject of regenerating mankind. But after seeing some 900 cases come through our conciliation court in King County with about 47 per cent agreements, I have faith in the process of conciliation. And I further believe that if we judges and lawyers resolve to do our mutual best to make this new law work, it will.

Obsolete Juvenile Court Code

This law was enacted about forty years ago in the era of horses and long skirts and has been amended only in a few particulars. Basically, its philosophy is sound, but it really needs to be brought up to date.

Time does not permit a detailed enumeration of all the several items which require re-examination and modernization. But if a committee of the Bar took the matter in hand, I am positive that without much trouble we could obtain enactment of a much better code of procedure than we now have.

SPECIFIC SUGGESTIONS

If the Bar really wants to alert itself to some of these matters involving Juvenile Court administration; if it is willing to rise to the heights of public service and leadership of which it is fully capable; and if it is willing to dedicate itself to lifting the level of rehabilitative treatment of the children of Washington, then I suggest and hope that the Bar organize itself *now* to that end.

It is my hope that in every local association and also in the State Bar Association there be formed and *continuously* maintained a standing committee on juvenile matters, spearheading the attack and blazing the way for sound, sensible and effective rehabilitation of children.